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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/694,646 | |
| | Filing Date | October 27, 2003 | |
| | First Named Inventor | Anuja Patel | |
| | Art Unit | 3731 | |
| | Examiner Name | Unassigned | |
| Total Number of Pages in This Submission | | Attorney Docket Number | PARCR-65197 |

| ENCLOSURES <i>(check all that apply)</i> | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
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| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
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| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | FULWIDER PATTON LEE & UTECHT, LLP John S. Nagy, Registration No.30,664 |
| Signature | <i>John Nagy</i> |
| Date | February 4, 2005 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the | | | |
| Typed or printed name | John S. Nagy | | |
| Signature | <i>John Nagy</i> | Date | February 4, 2005 |

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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John S. Nagy

John S. Nagy, Reg. No. 30,664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/694,646
Applicants : Anuja Patel et al.
Filed : October 27, 2003
Title : LONG FATIGUE LIFE NITINOL
Art Unit : 3731
Examiner : Unassigned
Docket No.: : PARCR-65197
Customer No. : 24201

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The documents listed on the enclosed form PTO/SB/08B (Substitute for form 1449A/PTO) have come to the attention of the applicant and are submitted to the Office under 37 C.F.R. §1.97 and 1.98. Copies of all cited articles and publications are enclosed. Copies of the U.S. patents and published applications are not enclosed although applicant will produce them upon examiner's request. (Pre-OG Notices, "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003," from Deputy Commissioner Stephen Kunin, dated July 11, 2003.)

The undersigned hereby certifies that the cited documents were brought to the Applicant's attention in a Search Report for an International application pending under the Patent Cooperation Treaty which asserts priority to U.S. Serial No. 10/694,646 ("646 application"), which Search Report was communicated on January 25, 2005, not more than three months ago.


The references cited on the Form PTO/SB/08A may not constitute prior art to the subject matter of the invention claimed in the pending application. The documents therefore are disclosed here in an abundance of caution, in light of 37 C.F.R. § 1.56.

Because this Information Disclosure Statement is filed prior to issuance of the first Office action on the merits, no fee is required. The Commissioner is authorized, however, to charge any fees that may be required by this paper to Deposit Account No. 06-2425. A duplicate copy of this paper is enclosed.

Applicant respectfully requests that the foregoing citations be considered and made of record. It is respectfully requested that the examiner indicate consideration of the cited references by returning a copy of the attached form PTO- 1449 (Modified) with initials and/or other appropriate marks.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John S. Nagy
Registration No. 30,664

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79181.1

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

of

| Complete if Known | |
|--------------------------|------------------|
| Application Number | 10/694,646 |
| Filing Date | October 27, 2003 |
| First Named Inventor | Anuja Patel |
| Art Unit | 3731 |
| Examiner Name | Unassigned |
| Attorney Docket Number | PARCR-69631 |

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

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|------------|--|
| Date | |
| Considered | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

of

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| Application Number | 10/694,646 |
| Filing Date | October 27, 2003 |
| First Named Inventor | Anuja Patel |
| Art Unit | 3731 |
| Examiner Name | Unassigned |
| Attorney Docket Number | PARCR-69631 |

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| | | Z.C. LIN AND JOHN BOYLAN: "The Effect of Cold Work Texture on the Superelastic Characteristics of Nitinol Sheet" MATERIALS SCIENCE FORUM, Vol. 394-395, 2002, pages 313-316, XP009041321, Switzerland, See experimental section and the first conclusion. | |
| | | PATENT ABSTRACT OF JAPAN, Vol. 0090, no. 21 (C-263), 29 January 1985 (1985-01-29) & JP 59 170247 A (FURUKAWA DENKI KOGYO KK; others: 01), 26 September 1984 (1984-09-26) abstract | |
| | | W. J. HARRISON AND Z.C. LIN: "the study of nitinol in bending fatigue" SMST-2000 PROCEEDINGS OF THE INTERNATIONAL CONFERENCE ON SHAPE MEMORY AND SUPERELASTIC TECHNOLOGIES, 2000, pages 391-396, EXP009041320, USA, the whole document. | |
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Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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